

August 13, 2008

Bret Martine 4134 N. DuPont Highway Dover, DE 19901

RE: PLUS review – 2008-07-05; Georgetown Commons

Dear Mr. Martine:

Thank you for meeting with State agency planners on July 23, 2008 to discuss the proposed plans for the Georgetown Commons project to be located at 301 S. DuPont Blvd. within the Town of Georgetown.

According to the information received, you are seeking a rezoning and site plan approval through the Town of Georgetown for a 200,000 sq. ft. industrial building.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Town of Georgetown is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the town.

#### **Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.* 

# **State Strategies/Project Location**

• The proposed project is located off US 113 near the intersection of US 113 and Arrow Road south of Georgetown and is within an Investment Level 2 and 3 as defined by State Strategies for Policy and Spending. Also the proposed is located within the future annexation area for the Town of Georgetown.

#### **Street Design and Transportation**

- US Route 113 is classified as a principal arterial highway and Arrow Safety Road is classified as a local road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 50 feet from the inside edge of the travelway on principal arterial highways and 30 feet from the centerline on local roads. Therefore, DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- DelDOT will require the developer to provide a 15-foot wide permanent easement along the property frontage on Arrow Safety Road and to provide a 10-foot wide shared use path within that easement.
- Regarding the right turn out, DelDOT plans to install a traffic signal at the intersection of US Route 113 and Arrow Safety Road in the near future. Because of the relatively short distance separating the proposed Route 113 access from that intersection, they will not permit right turns out at this location. Traffic exiting the site will have to do so by way of Arrow Safety Road.

#### Natural and Cultural Resources

- Efforts should be made to explore alternative configurations of the project and alternative methods of stormwater management (that do not require tree clearing) so that the overall footprint in the forested area is reduced.
- There should be at least a 100-foot upland buffer between site plan features (including stormwater ponds) and wetland boundaries.

This office has received the following comments from State agencies:

# Office of State Planning Coordination – Contact: Bryan Hall 739-3090

The Office of State Planning and Coordination offers the following to assist the applicant as this project moves forward:

Coordination with the Town of Georgetown – Based upon information provided by the applicant, the project is to be annexed into the Town of Georgetown. If the applicant has not done so, he should contact the staff of the Town of Georgetown and the Georgetown

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Planning and Zoning Commission at (302) 853-0104 to schedule a pre-review meeting to ensure the proposed is in compliance with current Town Zoning Codes and the Town's current comprehensive land use plan.

US 113 North/South Long-Term Study – The proposed project will be directly impact by short and long-term road improvements proposed by the US 113 North/South Study. The developer should contact Monroe Hite, US 113 Program Manager of Del-Dot at (302) 760-2120 to schedule a meeting to determine the impacts to the proposed and potential requirements by the Department to support the preservation of this transportation corridor.

Forest Loss – The site is heavily forested with a mix of forest types. The applicant should work with DNREC and the Delaware Forest Service to develop a superior site design that preserves as much of the forest as possible and to develop a reforestation plan to reestablish those forests removed as part of the development of this site.

*Drainage* – This site like many of the sites within this area is subject to short and long term drainage problems. The applicant should work with DNREC Drainage Section and the Sussex Conservation District to address this on-going problem within this area of the Town of Georgetown.

If you have any additional questions or concerns, please contact me.

# State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

No comments received

#### **Department of Transportation – Contact: Bill Brockenbrough 760-2109**

- 1) DelDOT questions the statement, on Item 38 of the PLUS application, that only five percent of the traffic associated with the warehouses will be trucks. What sort of warehouse uses are anticipated?
- 2) US Route 113 is classified as a principal arterial highway and Arrow Safety Road is classified as a local road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 50 feet from the inside edge of the travelway on principal arterial highways and 30 feet from the centerline on local roads. Therefore, DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 3) DelDOT will require the developer to provide a 15-foot wide permanent easement along the property frontage on Arrow Safety Road and to provide a 10-foot wide shared use path within that easement.
- 4) Under DelDOT's <u>Standards and Regulations for Subdivision Streets and State</u> <u>Highway Access</u>, the proposed warehouse development warrants a traffic impact

study (TIS) and one would be required as a precondition for any DelDOT approvals. If an application pertaining to the development was accepted for review by the Town before April 1, 2008, the development is grandfathered with respect to the regulations just mentioned and a TIS would not be required.

While the application does not associate a new use with the proposed six-acre Highway Commercial (HC) district, we assume that a change in use is contemplated. Certainly HC zoning does not seem necessary to support the existing industrial use. Many, if not most, likely commercial uses for those six acres would also warrant a TIS, so it may be appropriate to address the redevelopment of that acreage in the same study as the warehouse development.

As necessary, the developer may have their traffic engineer contact Mr. Troy Brestel of this office to arrange a scoping meeting for the study. Mr. Brestel may be reached at (302) 760-2167.

US Route 113 between Milford and the Maryland line is subject to DelDOT's Corridor Capacity Preservation Program, which seeks to preserve the capacity of certain principal arterial highways to handle through traffic by managing access along them. DelDOT has reviewed the proposed right–in/right-out access on northbound US Route 113 in the context of that Program.

DelDOT will permit the right turn in movement if it is shown to be necessary and does not conflict with the right turn deceleration lane for Arrow Safety Road.

Regarding the right turn out, DelDOT plans to install a traffic signal at the intersection of US Route 113 and Arrow Safety Road in the near future. Because of the relatively short distance separating the proposed Route 113 access from that intersection, they will not permit right turns out at this location. Traffic exiting the site will have to do so by way of Arrow Safety Road.

For more information on the Program, the developer may contact our program manager, Mr. Charles Altevogt. Mr. Altevogt may be reached at (302) 760-2124.

- determination of the need for a traffic impact study and the results of such a study if one is required. However, previous studies in the area have identified a need for the signal mentioned above and additional turning lanes at the intersection of US Route 113 and Arrow Safety Road. Similarly, they have identified a need for a signal at the intersection of South Bedford Street and Arrow Safety Road and additional turning lanes there. DelDOT anticipates requiring the developer to participate in the cost of those signals and turning lanes.
- As part of the US 113 North/South Study, DelDOT is contemplating a grade separation at the intersection of US Route 113 and Arrow Safety Road. Traffic from southbound Route 113 to eastbound Arrow Safety Road would cross over

the through lanes on a bridge. Traffic from westbound Arrow Safety Road would enter northbound Route 113 by way of a ramp. Turns onto southbound Route 113 from Arrow Safety Road and from northbound Route 113 onto Arrow Safety Road would be prohibited there and would have to be made at South Bedford Street.

While the proposed warehouse entrance on Arrow Safety Road may not be affected by this grade separation, access to the existing Arrow Safety building would need to be relocated.

DelDOT recommends that the developer contact the manager for the US 113 North/South Study, Mr. Monroe Hite, for more information regarding this grade separation and account for it in their planning for this site. Mr. Hite may be reached at (302) 760-2120.

8) The applicant's site engineer should contact the DelDOT Subdivision Manager for western Sussex County, Mr. Derek Sapp, for more detailed comments on the proposed access. Mr. Sapp may be reached at (302) 760-4803.

# <u>The Department of Natural Resources and Environmental Control - Contact:</u> <u>Kevin Coyle 739-9071</u>

#### Soils

Based on the Sussex County soil survey update, Hambrook, Hurlock, and Mullica were mapped in the immediate vicinity of subject parcel. Hambrook is a well drained upland soil that, generally, has few limitations for development. Hurlock and Mullica are poorly to very poorly-drained wetland associated (hydric) soil mapping units that are considered unsuitable for development.

#### Wetlands

Based on the Statewide Wetland Mapping Project (SWMP) maps, palustrine forested wetlands were mapped over most of parcel's land area. The SWMP mapping of wetlands closely mirrors the mapped occurrence of the hydric soil mapping units.

The applicant is responsible for determining whether any State-regulated wetlands (regulated pursuant to 7 <u>Del.C</u>. Chapter 66 and the <u>Wetlands Regulations</u>) are present on the property. This determination can only be made by contacting the Division of Water Resources' Wetlands and Subaqueous Lands Section at 302/739-9943 and consulting the State's official wetland regulatory maps, which depict the extent of State jurisdiction. The area regulated by State law may be very different from the area under federal authority. No activity may take place in State-regulated wetlands without a permit from DNREC's Wetlands Section.

In addition, most perennial streams and ditches and many intermittent streams and ditches are regulated pursuant to the Subaqueous Lands Act (7 <u>Del.C</u>. Chapter 72) and the <u>Regulations Governing the Use of Subaqueous Lands</u>. Ponds which are connected to other waters are also regulated, while isolated ponds are not. Any work in regulated streams, ditches or ponds requires a permit from the Wetlands and Subaqueous Lands Section. An on-site jurisdictional determination is recommended in order to determine whether any regulated watercourses exist on the property. Please contact the Wetlands and Subaqueous Lands Section at 302/739-9943 to schedule an on-site visit. Such appointments can usually be scheduled within 2 to 3 weeks.

The applicant should also be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland-associated hydric soils as they are subject to regulatory jurisdiction under Federal 404 provisions of the Clean Water Act. A sitespecific field wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE, or "the Corps") manual is the only acceptable basis for making a jurisdictional wetland determination for nontidal wetlands in Delaware. The applicant is forewarned that the Corps views the use of the National Wetlands Inventory (NWI) mapping or the Statewide Wetlands Mapping Project (SWMP) mapping as an unacceptable substitute for a field-based jurisdictional wetland delineation (i.e., 1987 USACE manual). To ensure compliance with said Corps regulatory requirements, it is strongly recommended that a field wetlands delineation using the above-referenced methodology be performed on this parcel before commencing any construction activities. It is further recommended that the Corps be given the opportunity to officially approve the completed delineation. In circumstances where the applicant or applicant's consultant delineates what they believe are nonjurisdictional isolated (SWANCC) wetlands, the Corps must be contacted to evaluate and assess the jurisdictional validity of such a delineation. The final jurisdictional authority for making isolated wetlands determinations rests with the Corps: they can be reached by phone at 736-9763.

Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review.* J. Environ. Qual. 23: 878-882), an adequately sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all wetlands and water bodies (including ditches).

As mentioned previously, a significant portion of this parcel contains poorly to very poorly-drained Hurlock and Mullica soil mapping units. Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or "nor'easters." This is in addition to increased flooding probabilities from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, sidewalks, and stormwater management structures).

Based on the Chapter 99, Section 16A of the Sussex County Code (paraphrased), lands compromised by improper drainage or flooding potential pose significant threats to the safety and general welfare of future residents and, therefore, shall not be developed. Soils mapped as Hurlock and Mullica fit the criterion for improper drainage or high flooding potential, and should be avoided. The Watershed Assessment Section believes permitting development on such soils would be inconsistent with above-mentioned regulatory guidelines in the Sussex County Code.

The applicant should schedule an appointment with the Joint Permit Processing Committee to clarify permitting requirements. The committee facilitates one-stop shopping with all involved federal and state agencies including the Corps, the U.S. Fish and Wildlife Service (USFWS), the Environmental Protection Agency (EPA), the Delaware Coastal Management Program (DCMP), and Historic Preservation, etc. Please call Denise Rawding of the Wetlands and Subaqueous Lands Section at 302.739.9943.

## **Impervious Cover**

The applicant estimates this project's post-construction surface imperviousness to reach about 60-65 percent. However, given the scope and density of this project (i.e., as viewed from the conceptual project layout) this estimate is likely a significant underestimate. When calculating surface imperviousness, it is important to include all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, open-water stormwater management structures/ponds, and roads) in the calculation for surface imperviousness; this will ensure a realistic assessment of this project's likely post-construction environmental impacts. Consequently, the applicant should recalculate this project's surface imperviousness with all of the above-mentioned forms of surface imperviousness included. Failure to do so will significantly understate this project's true environmental impacts.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of this project's most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

#### **ERES Waters**

This project is located adjacent to receiving waters of the Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State and shall be protected and/or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify

that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

## **TMDLs**

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. This project is located in the <a href="high-nutrient-reduction">high-nutrient-reduction</a> area requiring an 85 and 65 percent reduction in nitrogen and phosphorus, respectively. Additionally, 40 percent reduction in bacteria is required.

#### Compliance with TMDLs through the PCS

As stated above, TMDLs for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. The TMDL calls for an 85 percent reduction in nitrogen and a 65 percent reduction in phosphorus from baseline conditions. Additionally, a 40 percent reduction in bacteria will also be required from baseline conditions. A Pollution Control Strategy (PCS) will provide the regulatory framework for achieving them. Additional nutrient reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses (and wetlands), increasing passive, wooded open space, use of pervious paving materials to reduce surface imperviousness (i.e., pervious pavers), implementation of green-technology stormwater management technologies (rather than open-water stormwater management structures), and connection to a central public sewage system.

The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

## **Water Supply**

The project information sheets state that individual on-site well(s) will be used to provide water for the proposed project pending annexation into the Town of Georgetown. Our records indicate that the project is not located in an area where public water service is available. According to §203C, Subchapter II, Chapter 1, Title 26, Delaware Code, the municipality is required to give notice to the Public Service Commission when the

annexation is complete. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the current Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing each and every well(s).

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case there is an underground storage tank associated with First State Chevrolet located within 1000 feet of the proposed project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

# **Water Resource Protection Areas**

The Water Supply Section, Ground-Water Protection Branch (GPB) has determined that the proposed construction does not affect the existing wellhead protection area for Arrow Safety Device. The applicant proposes to locate new individual public wells on the site. The Applicant did not indicate the estimated water demand for this project. The site plan does not show proposed locations for the wells. In addition to the *Delaware Regulations Governing the Construction and Use of Wells*, the permits for these public wells are subject to the *Delaware Sediment and Stormwater Regulations* and *Sussex County Ordinance No. 1979*.

Delaware Regulations Governing the Construction and Use of Wells can be found at http://www.dnrec.state.de.us/water2000/Sections/WatSupp/Library/97rgcuw.pdf

Delaware Sediment and Stormwater Regulations 10.3.15.6 states: Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of 150 feet from any public or private water supply well.

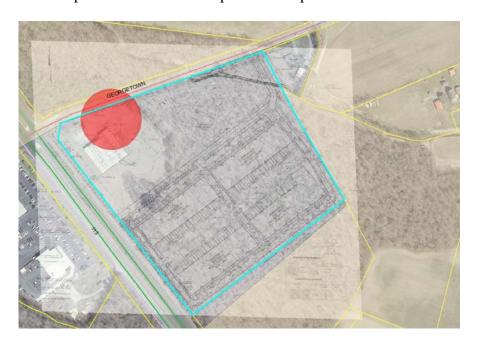
Sussex County Ordinance No. 1979 limits the amount of impervious cover allowed with a scaled radius of the well annulus. It also restricts the movement of stormwater in the area. For information regarding Sussex County Source Water Protection Ordinance No.

1979, please contact the Sussex County Planning Services: (302) 855-7700. The ordinance can be accessed on line at:

http://www.wr.udel.edu/swaphome/Publications/SWPOrdinances/SCordinance1979.pdf

# **Map of Georgetown Commons (PLUS 2008-07-05)**

The site plan is overlain on the parcel. The parcel is outlined in blue.



#### **Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees.
- Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low-impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals. The Sediment and Stormwater Management Program ensures sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, we do not support placement in resource protection areas or

the removal of trees for the sole purpose of placement of a stormwater management facility/practice.

• Include Brooks Cahall of the Drainage Program, in the pre-application meeting with the Sussex Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch. Show the location and width of tax ditch rights-of-way on the sediment and stormwater plans.

# **Drainage**

- This project is located within the McGee Tax Ditch. The placement of permanent obstructions within tax ditch rights-of-way is prohibited. Any change to the location of the tax ditch, or the existing tax ditch rights-of-way, will require a change to the McGee Tax Ditch court order. Please contact Brooks Cahall of the Drainage Program to resolve the issues with the tax ditch. It is suggested to include Brooks Cahall in the pre-application meeting with the Sussex Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch.
- The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.
- Have all drainage easements recorded on deeds and place restrictions on
  obstructions within the easements to ensure access for periodic maintenance or
  future re-construction. Future property owners may not be aware of a drainage
  easement on their property if the easement is only on the record plan. However,
  by recording the drainage easement on the deed, the second owner, and any
  subsequent owner of the property, will be fully aware of the drainage easement on
  their property.
- The Drainage Program understands the need to have adequate room for the
  construction of warehouse space. However, excessive tree removal contributes to
  drainage problems and requires additional stormwater management measures.
  Where practical, plant native trees and shrubs to compensate for the loss of
  nutrient uptake and stormwater absorption the removed trees provided.

## **Forested Habitat Preservation**

Cumulative forest and wildlife habitat loss throughout the State is of utmost concern to the Division of Fish and Wildlife, which is responsible for conserving and managing the State's wildlife (see www.fw.delaware.gov and the Delaware Code, Title 7). Because of an overall lack of habitat protection, DNREC has to rely on applicants and/or the entity that approves the project (i.e. counties and municipalities) to consider implementing measures that will aide in habitat loss reduction.

This project proposes to clear at least 50-55% of the existing forest. The forested area that remains will be completely fragmented by buildings and infrastructure.

#### Recommendations:

- 1. Efforts should be made to explore alternative configurations of the project and alternative methods of stormwater management (that do not require tree clearing) so that the overall footprint in the forested area is reduced.
- 2. There should be at least a 100-foot upland buffer between site plan features (including stormwater ponds) and wetland boundaries. The current site plan only has the minimum buffer required. Current County requirements do not appear to recognize ecological needs, which are supported by scientific research. Upland buffers not only protect the function and integrity of wetlands, but also provide critical breeding habitat for wetland dependent species during a portion of their life cycle.
- 3. To minimize impacts to birds and other wildlife that utilize forested areas for breeding, we recommend that tree clearing not occur April 1st to July 31st. This recommendation would only protect those species for one breeding season; because once the trees are cleared there is an overall loss of habitat.

#### **Nuisance Waterfowl**

The applicant indicated that nuisance species were being considered; however, methods of control were not listed. Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas; the waterfowl can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, the property owner/land manager will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

#### Recommendation:

1. Exclusion is one of the most effective methods at deterring geese. Completely fencing the pond at the edge (even one foot high) may be feasible in a commercial setting such as this project. Even though geese can fly over the fence, if they constantly have to fly between land and water the area is less desirable. If fencing is not a desired option, DNREC recommends native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds. When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond. The vegetation also blocks the ability to easily move between land and water.

At this time, DNREC does not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the property owner/land manager.

# **Underground Storage Tanks**

There are two active LUST sites and one inactive LUST site located near the proposed project:

First State Chevrolet Facility ID: 5-000222 Project: S9105084

Three Bells Market Facility ID: 5-000248 Project: S9401005

Cheer Trans Home Service Facility ID: 5-000388 Project: \$8901001

Should any underground storage tanks or petroleum contaminated soil be discovered by any person during construction, the Tank Management Branch (TMB) at (302) 395-2500 and the DNREC Emergency Response Hotline at (800) 662-8802 must be notified within 24 hours. In addition, should any contamination be encountered, PVC pipe materials would have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

## State Fire Marshal's Office - Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting

the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

## a. Fire Protection Water Requirements:

- ➤ Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- ➤ Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

# b. Fire Protection Features:

- ➤ All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.
- ➤ Buildings greater than 10,000 sq.ft. are required to meet fire lane marking requirements
- ➤ Show Fire Department Connection location (must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- ➤ Show Fire Lanes and Sign Detail as shown in DSFPR

#### c. Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to these buildings must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- ➤ The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- ➤ The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### d. Gas Piping and System Information:

Provide type of fuel proposed, and show locations of bulk containers on plan.

# e. Required Notes:

- ➤ Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use

- ➤ Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- > Square footage of each structure (Total of all Floors)
- ➤ National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- ➤ Note indicating if building is to be sprinklered
- ➤ Name of Water Provider
- ➤ Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- ➤ Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: <a href="www.statefiremarshal.delaware.gov">www.statefiremarshal.delaware.gov</a>, technical services link, plan review, applications or brochures.

# **Department of Agriculture - Contact: Scott Blaier 739-4811**

The Delaware Department of Agriculture has no objections to the proposed project. The project is to be annexed into the Town of Georgetown and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2 and 3 areas.

A portion of the site is located within an area designated as having "excellent" ground-water recharge potential. DNREC has mapped all ground-water recharge-potential recharge areas for the state, and an "excellent" rating designates an area as having important ground-water recharge qualities.

Senate Bill 119, enacted by the 141<sup>st</sup> General Assembly in June of 2001, required counties and municipalities with over 2,000 people to adopt as part of the update and implementation of their 2007 comprehensive land use plans, areas delineating excellent ground-water recharge potential areas. Furthermore, counties and municipalities were required to adopt regulations by December 31, 2007 governing land uses within those areas to preserve ground-water quality and quantity.

Maintaining pervious cover in excellent and good recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as "excellent" and "good" recharge areas adversely impacts the future prospects for agriculture in Delaware. The developer should make every effort to protect and maintain valuable ground-water recharge potential areas.

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Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear Ash Trees

Leyland Cypress Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent landuse activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

#### Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

# **Department of Education – Contact: John Marinucci 735-4055**

This commercial project is located in the Indian River School District. This site plan review request is commercial in nature with no apparent impact on educational service delivery or infrastructure and, as such DOE has no further comments regarding this request.

## Sussex County – Contact: Richard Kautz 855-7878

The town is encouraged to avoid the creation of new enclaves when annexing, to eliminate existing enclaves during its negotiation of the annexation agreement, and to notify the Sussex County Planning Department when the annexation becomes effective.

No comment about the project. The site is to be entirely within the town limits and does not directly impact County services or properties outside the town limits.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP

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Director

CC: Town of Georgetown